

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

THE ABI JAOUDI AND AZAR,)	
TRADING CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	91-CV-6785
)	
CIGNA WORLDWIDE INSURANCE)	
COMPANY, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

NOTICE BY THE UNITED STATES

The United States provides this Notice in response to the Court’s Order of November 16, 2010. After reviewing the relevant portions of record in this case, consulting extensively with counsel for the parties, and reviewing their separate written submissions to the Department of State on the question of Respondents’ immunity, the United States has concluded that threshold determinations must be made as to the capacity in which the Respondents are being sued and, in particular, whether the Republic of Liberia is the real party in interest. *Samantar v. Yousuf*, ___ U.S. ___, 130 S.Ct. 2278, 2292 (2010) (“[I]t may be the case that some actions against an official in his official capacity should be treated as actions against the foreign state itself, as the state is the real party in interest. Cf. *Kentucky v. Graham*, 473 U.S. 159, 166, 105 S. Ct. 3099, 87 L. Ed.2d 114 (1985) (“[A]n official-capacity suit is, in all respects other than name, to be treated as a suit against the entity. It is *not* a suit against the official personally, for the real party in interest is the entity’ (citation omitted))).” Until the Court determines who the real party in interest is, the United States is not in a position in this case to determine whether to submit its views on any

issues, such as Respondents' immunity.

Once the Court has made a determination as to the real party in interest, the United States will then be in a position to determine whether, pursuant to 28 U.S.C. § 517, to submit a statement of interest or, if appropriate, a suggestion of immunity.

January 21, 2011

Respectfully submitted,

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